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April 1, 2022

VIA ECF

Hon. Steven I. Locke, USMJ  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

**Re:** *Siancas v. Rallye Motors, et al.*, 14-cv-6151 (JS) (SIL)  
Letter Regarding Reply Papers

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Dear Judge Locke:

I write in brief response to Rallye's request that the Court disregard the Plaintiffs' reply papers as untimely. The Court denied the Motion to Amend that was served on March 1, 2022 without prejudice. As of that date, there was no pending motion before the Court. Your Honor's individual rules expressly state that "no motion papers shall be filed with the Court until the motion is fully briefed by both sides and exchanges of all papers have been made." Plaintiffs did not re-serve the motion, and it was not clear at that time that the motion was actually deemed made on March 1, 2022. On March 25, 2022, rather than asking for Plaintiffs' reply papers, Rallye insisted that the motion papers be filed although the motion had not yet been fully briefed. On that same day, we served and filed the fully briefed motion.

Circumstances such as these give Plaintiffs pause when, as we did in this case, we voluntarily agree to vacate Defendants' defaults, in the interest of resolving the matter on the merits, only to be faced with an attempt by those same Defendants to resolve the matter not on the merits, but upon an argued four-day-delay in serving a reply.

Respectfully submitted,

*Steven J. Moser*

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CC: All counsel of record via ECF